

<b>UNITED STATES BANKRUPTCY COURT</b> <b>DISTRICT OF NEW JERSEY</b> Caption in Compliance with D.N.J. LBR 9004-2(c)	
<b>Robertson, Anschutz, Schneid, Crane &amp; Partners, PLLC</b> 130 Clinton Road, Lobby B, Suite 202 Fairfield, NJ 07004 Telephone: 973-575-0707 Facsimile: 973-404-8886 Attorneys For Secured Creditor	
<b>In Re:</b>  <b>David M. Christensen,</b> <b>Debtor.</b>	Case No.: 21-11137-MBK  Chapter: 13  Hearing Date: July 3, 2024  Judge: Michael B. Kaplan

**LIMITED RESPONSE TO DEBTOR'S**  
**MOTION TO SELL 1725 3RD AVENUE, TOMS RIVER, NJ**

U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCAF ACQUISITION TRUST (“Secured Creditor”), by and through undersigned counsel, hereby files its Limited Response to Debtor’s Motion to Sell 1725 3rd Avenue, Toms River, NJ (Docket 35) (hereinafter the “Motion”) and, in support thereof, states as follows:

1. David M. Christensen (“Debtor”) filed the instant Chapter 13 Petition on February 10, 2021(the “Petition Date”).
2. Secured Creditor holds a security interest in the Debtor’s real property located at 1725 Third Ave, Toms River, NJ 08757-3510 (the “Property”) by virtue of a Mortgage in the principal amount of \$273,333.00, dated February 3, 2012 and recorded in the Office of the Clerk/Register of Deeds for Ocean County on February 21, 2012 in Book 15121, at Page 243 (the “Mortgage”).
3. On April 19, 2021, Secured Creditor timely filed its Proof of Claim (See Claim No. 11-1). The Proof of Claim reflects that as of the Petition Date, Secured Creditor held a secured claim in the amount of \$ 266,208.31, with pre-petition arrears in the amount of \$3,014.70.

4. On June 28, 2024, the Debtor filed the instant Motion to Sell Property (the "Motion"). The Debtor's Motion seeks the Court's approval to sell the Subject Property for \$480,000.00 (the "Proposed Sale Price").
5. The estimated payoff of Secured Creditor's lien is \$311,171.01 as of July 2, 2024. To obtain a formal payoff for closing the Debtor should contact the servicer, Selene, at 877-735-3637 for an updated payoff at or near the scheduled closing of the sale.
6. Secured Creditor does not object to the Debtor's Motion to the extent that any sale is subject to Secured Creditor's lien remaining attached to subject property until paid in full based upon an up to date payoff quote.
7. Furthermore, Secured Creditor requests the Order contain a provision stating failure to complete any sale within 90-days of entry of this Order will result in the Order authorizing the sale to be deemed moot.
8. Secured Creditor reserves the right to supplement this response at or prior to any hearing on this matter.

**WHEREFORE,** Secured Creditor respectfully requests entry of an order in compliance with the above conditions and for such other and further relief as the Court deems just and proper.

Dated: July 2, 2024

**Robertson, Anschutz, Schneid,  
Crane & Partners, PLLC**  
130 Clinton Road, Lobby B, Suite 202  
Fairfield, NJ 07004  
Telephone: 973-575-0707  
Attorneys for Secured Creditor

By: /s/ Kenneth J. Borger  
NJ Bar ID: 171092015  
Email: [kborger@raslg.com](mailto:kborger@raslg.com)

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**CERTIFICATION OF SERVICE**

1. I, Kenneth J. Borger, Esq., represent Secured Creditor in this matter.
2. On July 2, 2024, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below. Limited Response to Debtor's Motion to Sell 1725 3rd Avenue, Toms River, NJ
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

**Robertson, Anschutz, Schneid,  
Crane & Partners, PLLC**  
130 Clinton Road, Lobby B, Suite 202  
Fairfield, NJ 07004  
Telephone: 973-575-0707  
Attorneys for Secured Creditor

By: /s/ Kenneth J. Borger  
NJ Bar ID: 171092015  
Email: kborger@raslg.com

Name and Address of Party Served	Relationship of Party to Case	Mode of Service
David M. Christensen 1725 Third Ave Toms River, NJ 08757-3510	Debtor	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
Frances A Tomes Tomes Law Firm, PC 17 Broad Street, Suite 3 Freehold, NJ 07728	Debtor's Attorney	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	US Trustee	<input type="checkbox"/> Hand Delivered <input checked="" type="checkbox"/> Regular Mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-Mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other _____ (as authorized by court*)

\* May account for service by fax or other means as authorized by the court through the issuance of an Order Shortening Time.